

Countryman, Ryan

From: Karen Walter <KWalter@muckleshoot.nsn.us>
Sent: Tuesday, February 11, 2020 5:31 PM
To: MacCready, Paul
Subject: Point Wells Development, 110191457-LU, 1101457002VAR, 1101457003VAR, 1110457SHOR, Notice of Application

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Paul,

We have reviewed the available information under File # 1101457-LU for the Point Wells Project. Per the Notice of Application, the applicant is proposing a potential water taxi from the site's reconstructed pier. This raises several questions:

1. What is the purpose and need for a water taxi at this site?
2. What are the proposed taxi routes?
3. Since the pier is on WDNR leased aquatic lands, has the applicant gotten agreement from WDNR for this use?
4. It is our understanding that the US Coast Guard regulates water taxis. Has the applicant received any indication from the US Coast Guard that they would approve this water taxi?
5. A new water taxi on Puget Sound has implications for ESA and treaty-protected fisheries resources and tribal fishing access. These issues do not appear to be sufficiently vetted in the application materials.
6. More information is needed to demonstrate that the project's streams are truly Type N and not Type F streams based on WAC 222-16-031. Existing pipes and barrier culverts should not be used as the basis for calling streams Type N because they are artificial and should be replaced with fish passable structures as required under the State's Hydraulic Code. If there are natural barriers, they need to be determined as such using WDFW's barrier assessment manual. The information provided in the Critical Areas Report is inadequate.
7. Given the known salmon use in the marine areas, the project should be treating its stormwater using enhanced treatment methods, not the proposed basic methods to minimize impacts to salmon from stormwater discharges.
8. The water taxi proposal is not evaluated in the Critical Areas Report. Further the project narrative makes no mention of a water taxi at the pier. It states:

The pier is built on State of Washington-owned tidelands and leased to BSRE under an aquatics Lands Lease between Washington State Department of Natural Resources and Chevron U.S.A. Inc. The pier, and is not subject to the Urban Center code. The Urban Center Plan proposed redevelopment of the pier will focus on rehabilitation of existing structures, and uses will be limited to water-oriented public recreation opportunities. This limited pier redevelopment will address potential view impact concerns and additional shadow impacts on the water that could adversely impact endangered salmon fingerlings, and overall aesthetics.

9. The applicant should be noticed that local government permit approvals do not necessarily mean that all aspect of this project will be permitted by state and federal agencies.

We appreciate the opportunity to continue to review this proposal as it progresses and look forward to Snohomish County/applicants' responses.

Thank you,

Exhibit W-40 Walter, Karen February 11 2020
PFN: 11-101457 LU

Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015-A 172nd Ave SE
Auburn, WA 98092
253-876-3116*